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3 UNITED STATES DISTRICT COURT  
4 WESTERN DISTRICT OF WASHINGTON  
5 AT TACOMA

6 TYLER HULBERT,

7 Plaintiff,

8 v.

9 MICHAEL J. ASTRUE, Commissioner of  
10 Social Security,

11 Defendant.

Case No. 3:11-CV-05625-BHS-KLS

ORDER DENYING DEFENDANT'S  
MOTION TO ALTER OR AMEND  
ORDER DENYING DEFENDANT'S  
MOTION TO REMAND

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13 This matter comes before the Court on defendant's filing of a motion to alter or amend  
14 (see ECF #14) the undersigned's order denying defendant's motion to remand this matter prior to  
15 the filing of an answer in this case (see ECF #11). For the reasons set forth below, defendant's  
16 motion to alter or amend that order hereby is DENIED as being moot.

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18 In his motion to alter and amend, defendant argues the undersigned's decision to deny his  
19 motion to remand and direct him to file the administrative record was clearly erroneous, because  
20 "[t]here is no administrative record, except the prior administrative record that was previously  
21 considered by this Court, and which formed the basis for this Court's prior remand order." ECF  
22 #14, p. 2. On February 21, 2012, a hearing was held on this matter, in which the Court directed  
23 defendant to locate, if possible, the record of the administrative proceedings that took place after  
24 the Court's prior remand matter. See ECF #17.

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26 On March 21, 2012, and March 23, 2012, respectively, defendant filed his answer in this  
case and a copy of administrative record, including the aforementioned proceedings. See ECF

1 #18-#19, #21-#22. Because the basis for defendant's motion to alter or amend the Court's order  
2 denying his motion to remand was the absence of such a record, that motion (ECF #14), is now  
3 moot and is therefore hereby DENIED as such. As such, the parties shall proceed in accordance  
4 with the order setting the briefing schedule filed on March 22, 2012. See ECF #20.

5 DATED this 4th day of April, 2012.

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9 Karen L. Strombom  
10 United States Magistrate Judge  
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